

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Interview Summary

The undersigned spoke with Examiner Nguyen on April 19, 2006 regarding the present application. The undersigned presented Examiner Nguyen with arguments and several proposed amendments to claim 1 for consideration, which appeared to be received favorably by Examiner Nguyen. Examiner Nguyen indicated that he felt that the claims as amended were clearer than the original claims. However, Examiner Nguyen was unable to commit to allowance of any claims without a formal response and further searching. It is noted that the present Office Action resulted from reopening prosecution after filing an Appeal Brief. While Applicants submit that the unamended claims are allowable, and that the present amendments are not necessary, Applicants are offering the amendments made above in an effort to avoid the need to reinstate the appeal. The undersigned and Examiner Nguyen agreed that the door is open for further communication regarding this case to avoid such appeal. As such, the undersigned presents several clarifying amendments for consideration by the Examiner and further presents a new claim (which is in the form of one of the amendments proposed by the undersigned during the interview) for consideration. The undersigned appreciates the courtesies extended by Examiner Nguyen in this interview and further appreciates spirit of cooperative efforts demonstrated by Examiner Nguyen in this interview. The undersigned looks forward to working with Mr. Nguyen in finalizing prosecution of the present application.

The Claim Amendments

Claims 1-9 have been amended in a manner similar to that proposed to the Examiner in the above documented interview. The Examiner indicated that such amendments were helpful in clarifying the claims, and are thus gladly presented in an effort to expedite prosecution of this application. The remaining claims have been retained in the form they were in as of the filing of the Appeal Brief in the present case. However, the undersigned will gladly consider similar amendments in the event Examiner Nguyen considers claim 1 to be allowable.

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Regarding Claims 1-2, 9-10 and 15-16

Claims 1-2, 9-10 and 15-16 stand rejected based upon Rhodes in view of Nesamoney. The Rhodes reference has been extensively discussed in the prior Office Action response and in the Appeal Brief. The newly cited Nesamoney reference relates to sharing business data in a data mart environment (col. 1, line 66 through col. 2, line 32). In essence, Nesamoney provides for sharing of collections of business data that are placed in shared folders (col. 2, lines 51-55). Data are organized as collections of data related to business functions such as sales, inventory, payroll, billing, finances, etc. (col. 6, line 30 and col. 3, lines 61-62). A user may have access to this shared business data providing the user is manually granted access privileges by an IT administrator (col. 6, lines 7-12).

There is no teaching or suggestion in any of the art of *"mapping other users who wish to store the musical selection to the music file"* (or analogous claim language) as called for in the claims. In Nesamoney, access to shared folders is manually administered by an IT administrator. Moreover, when access is granted to a particular collection of data in a shared folder, the user presumably has access to all data in the shared folder. The Office Action equates "data marts" to "users" (page 3, line 15), but this is not a fair comparison. Nesamoney also has "users" and the claimed mapping between the user and a music file, or even between a user and a data file is not present. There is in fact no such mapping taught or suggested, only access privileges are provided as a mechanism to permit users to access collections of data. In view of this shortcoming of Nesamoney, along with the previously noted shortcomings of Rhodes, the proposed combination does not meet each and every feature of the claims as originally presented and as amended. Accordingly, there can be no *prima facie* determination of obviousness; reconsideration and allowance of these claims are respectfully requested.

Regarding the Rejection of Claims 3-8, 11-14, 17-20 and 29-30

These claims are rejected based upon the combination of Rhodes with Nesamoney, and further in view of Kurihara. The undersigned directs the Examiner's attention to pages 10 and 11 of the Appeal brief for a discussion of Kurihara and the reasons that the combination of Rhodes with Kurihara is improper. These reasons remain applicable. In addition, the undersigned further reiterates the above arguments regarding the combination of Rhodes and Nesamoney. While the Office Action states on

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paragraph 16 that Applicants' arguments are moot in view of the new grounds of rejection, this is not the case since Rhodes and Kurihara continue to be used in combination to provide the current rejections. Hence, the arguments which were considered persuasive (see paragraph 1 of the current Office Action) should remain equally persuasive for the combination of Rhodes and Nesamoney as modified by Kurihara.

Newly Submitted Claim 31

New claim 31 is submitted for the Examiner's consideration. Claim 31 differs from claim 1 as amended by addition of the "determining" element. The mapping process of claim 31 is described generally in the paragraph spanning pages 5 and 6 of the application. While the term "determining" is not explicitly used "determining", clearly if multiple users are to be mapped to a single music file, a determination that multiple users wish to access the music file is implicit. Hence, the claimed "determining" action merely makes explicit that which is already implicit. Consideration of this new claim is respectfully requested. If Examiner Nguyen feels that this claim's "determining" language assists in assuring distinction over the cited art, the undersigned will gladly consider an amendment that adds similar language where applicable.

Further Remarks

It is noted that the arguments presented in the Appeal Brief filed 12/14/2005 closely track similar arguments presented in the preceding Office Action. However, they were only considered persuasive when recast into the form of an Appeal Brief. Failure to fully consider the virtues of an argument until presented in an Appeal Brief delays prosecution and increases Applicants' expenses dramatically and unnecessarily. Hence, the undersigned sincerely requests full and careful consideration of the present arguments to minimize further expense in prosecution of the present application. It is noted that the present application has now been searched at least four times, rejected four times (plus one advisory action) and been appealed one time. The undersigned submits that it is time to bring this prosecution to a close and earnestly solicits a telephone call from Examiner Nguyen if he feels that personal communication can expedite conclusion of prosecution in this matter.

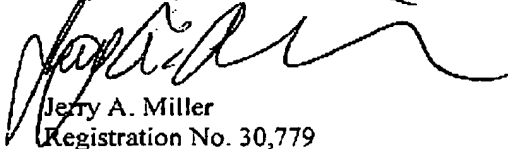
Concluding Remarks

In view of this communication, all claims are believed to be in condition for allowance and such is respectfully requested at an early date. The undersigned notes that many other distinctions exist

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between the cited art and the claims. However, in view of the clear distinctions pointed out above further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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